

NOTIFICATION

Home Department,
Mantralaya, Mumbai 400 032,
Dated the 11th October, 2007.

Motor
Vehicles
Act, 1988.

No.RTA 1003/C.R. 4/TRA - 3. — It has been decided by the Government of Maharashtra and Rajasthan to enter into Reciprocal Transport Agreement, a draft of which is hereby published as required by sub-section (5) of Section 88 of Motor Vehicles Act, 1988, for information of all persons likely to be affected thereby and notice is hereby given that the representation in connection with the said proposals may be submitted by any of the person, association or authority who have a right under the said sub-section (5) to make such representation to the Secretary, State Transport Authority, Maharashtra State, Administrative Building, 4th Floor, Near Dr. Ambedkar Udyan, Government Colony, Bandra (East), Mumbai 400 051 before 10th November, 2007.

The said proposals and any representations in connection therewith which may be received by the Secretary, State Transport Authority, Maharashtra State before the aforesaid date will be considered by the State Transport Authority in its office of Mumbai after the 10th November, 2007.

Draft

Reciprocal Transport Agreement between the Government of Rajasthan and Government of Maharashtra.

This agreement made this **4 th day of July, 2007** between the Governor of Rajasthan (hereinafter referred to as the Government of Rajasthan, which expression shall include his successor in office) of the one part and the Governor of Maharashtra (Hereinafter referred to as the Government of Maharashtra, which expression shall include his successor in office) of the second part.

WHEREAS, it is expedient in view of the rapid economic development of the country, to encourage the long distance Inter-State Transport of the passengers and goods between the States of Rajasthan and Maharashtra and to regulate, coordinate and control their operation, it is necessary to make a reciprocal agreement between the two States.

AND WHEREAS, the parties hereto desire that in supersession of all the previous agreements on the subject entered into between them an agreement on the terms and conditions set out hereinafter may be made between them.

NOW THIS DEED WITNESS and the parties hereby mutually agree as follows:-

1. **This agreement shall come into force with immediate effect.**

2. **Goods Carriage Permits :-**

(i) **Goods Carriage (Substantive Permits) :-**

- (a) The permit for goods carriage without restriction on their number belonging to each shall be countersigned by the Transport Authority of the other state on the recommendation of the State Transport Authority concerned, subject to general or special concurrence of the intermediate state.
- (b) The goods carriages operating under counter signature shall not be used for picking up and setting down of goods between any two points lying exclusively within the territory of the reciprocating State, that is to say in such cases vehicles shall be prohibited from carrying on any business of transporting goods exclusively within the territory of the countersigning State and shall be subject to such conditions as the concerned Transport Authority may deem fit to impose under Section 79 and 84 of the Motor Vehicles Act, 1988.

- (c) Either State will countersign substantive goods carriage permit issued by the reciprocating State provided that the substantive goods carriage permit holder is already holding countersignature granted by the intermediate state of either Gujarat or Madhya Pradesh on another substantive goods carriage permit issued by the reciprocating State.
- (d) The countersignature holder shall pay composite tax due to the reciprocating State within time limit prescribed in their Taxation Rules, if he/she fails to pay the composite tax within two months from the date of expiry of the period for which the composite tax was last paid, the countersignature shall be deemed to be cancelled under intimation to Original Registering Authority.
- (e) The goods carriages which are more than 8 years old from date of their initial registration are not allowed to enter the city of Mumbai, unless running on CNG or LPG as per orders of the Hon'ble High Court, Mumbai in a Public Interest Litigation case (W. P. No.1762/1999).

(ii) Goods Carriage (Temporary Permits) :-

- (a) There is no restriction on grant of Temporary permits if there is concurrence of both the State Transport Authorities. Goods carriage temporary permits as per need may be issued for a period not exceeding 30 days by either State in accordance with the provisions of Section 87(1) or 87(2) of the Motor Vehicles Act, 1988 except on prohibited routes in the reciprocating State, without any restrictions on the number of trips and without countersignature of the Transport Authority of reciprocating State, on double point tax basis. List of the prohibited routes will be exchanged by both the States.

3. Contract Carriage Permits:-

(i) Motor Cab Permits (Substantive Permits):-

No substantive contract carriage permits for motor cab shall be countersigned by either States. However, permits countersigned prior to this agreement shall be valid till their validity.

(ii) Contract carriage permits (Special Permits Under Section 88 (8) of the Motor Vehicles Act.) :-

These permits may be issued by the Transport Authority of each State without prior concurrence of the Transport Authority of the State, according to the need of the tourists. The permits shall contain the detailed programme of the tour, showing the dates of tour, showing the dates of onward and return journeys, the order in which the various places shall be visited along with an indication of the appropriate date of the arrival and the departure from each such places. The permit shall also contain list of passengers travelling in the vehicle.

4. Stage Carriage Permits (Substantive Permits) :-

- (i) The stage carriages with number of trips and number of vehicles under operation shall be as per Annexure 'A' & 'B'.
- (ii) The number of trips allocated for each State on each inter-state route shall be fixed as per this agreement. A trip for the purpose of this agreement shall mean single trip daily. The routes mentioned in Annexure "A" & "B" shall always mean the shortest direct route connecting the two States through the places mentioned therein. Any discrepancy discovered later in the name and length of route shown in the said Annexures shall promptly be corrected through correspondence between the reciprocating State and shall not be treated as any modification of the agreement.
- (iii) The time table for stage carriages of State undertakings shall be fixed by the concerned State Transport Undertakings, after mutual consultations.
- (iv) Passenger fares shall be charged according to the rate fixed by the respective States for the portion lying in that State.
- (v) The stage carriage permits of both the States falling under reciprocal agreement shall be countersigned on the single point taxation basis that means every such permit holders shall have to pay Special Road Tax / Passenger Tax etc.
- (vi) Countersignature on the substantive Stage Carriage permits will be granted by either State only if there is a general or special concurrence of the intermediate States for that purpose.

- (vii) If for any reason, it has not been possible to decide an application for the renewal of the permit before its expiry, the home State may issue temporary permit under section 87 (1) (d) of the Motor Vehicles Act, 1988 for a period up to four months under intimation to the reciprocating State and such temporary permit subject to proviso set out below, shall require countersignature of the reciprocating State, and the motor vehicle will be authorized to ply on single point taxation basis.

Provided that the application for renewal of countersignature has been submitted to the reciprocating State within the time allowed for submission of renewal application under section 81 (2) of the Motor Vehicles Act, 1988.

- (viii) No permit for stage carriage shall be granted or countersigned other than that of State Transport Undertakings on nationalized routes or part thereof by the transport authorities of reciprocating States.
- (ix) Both the state Transport Undertaking can operate any interstate route by any vehicle out of its fleet, owned or hired by concerned State Transport Undertakings.
- (x) The respective State Transport Undertakings may add new services of stage carriages on notified routes or increase the number of trips on any existing route keeping in view the overall public demand, by mutual agreement in writing with the approval of both the State Governments. This will also imply that no Motor Vehicle Tax / Road Tax shall be payable by the respective State Transport Undertakings to the reciprocating State in respect of such services.
- (xi) The State of Maharashtra shall have the right to increase their routes operated within the State of Rajasthan upto 3000 kms., as and when such increase is found to be commercially viable by Government of Maharashtra.

5. General provisions for temporary permits:-

- (i) Seperate list of different type of Temporary Permits (Goods Carriage / Contract Carriage) issued in each month shall be submitted to the Transport Commissioners of each State by the other State.

(ii) The Transport Authority of each State granting such permit shall direct the owner / driver to pay the taxes at the tax Collection Centres / Check posts at border before entering into the State.

(iii) All Temporary Permits, other than those issued under Sec. 87 (i) (d), if countersigned or allowed, shall be on double point taxation basis that means every such permit holder will have to pay both Special Road Tax / Passenger Tax / Goods Tax and Motor Vehicle Tax / Road Tax, as the case may be, along with the countersignature fee of the concerned State.

6. Taxation:-

The taxes of reciprocating States in respect of different types of vehicles operating on vehicle classes of permits shall be payable as per provisions of the Taxation Act and Rules of the respective States.

7. Countersignature :-

The countersignature for stage carriage permits shall be granted by the State Transport Authority or Regional Transport Authority of any State, as the case may be, on the recommendation made by the Transport Authority of the other State.

8. General:-

(i) The reciprocating State shall accord recognition of the tax tokens, drivers licence and conductor licence, transport vehicle authorization and the certificate of fitness issued under the relevant rules of each of the two State in respect of vehicles operating on Inter-State Routes, in accordance with this agreement.

(ii) This agreement shall be valid till such time as a new agreement is arrived at between the two State by mutual consent. This agreement can, however, be rescinded by either State after issue of three months notice.

(iii) Both States have expressed concern about pollution caused by motor vehicles. In view of the orders passed by Hon'ble Supreme Court in W.P. No. 13029/1985 (M C Mehta v/s Union of India and others) AIR 2002 SC 1696, and in Indore Tempo Union v/s Government of Madhya Pradesh in W.P. No. 25198-25199/2005 order dated 17th July, 2006 and order passed by Hon'ble High

Court, Mumbai in W.P. 1762/1999 and order passed by M. P. High Court, Indore in W.P. No. 1010/2006, dated 22-1-2007 it is agreed upon :-

- (a) that no permit for passenger vehicles will be issued or countersigned by any State, which is of more than ten years old from the date of initial registration.
- (b) that in case of goods vehicle the above mentioned age limit will be 12 years from the date of initial registration.

IN WITNESS WHEREOF the parties hereto have signed this agreement on this day and year first above written.

sd/-
(V.S. Singh)
Principal Secretary
(Home & Transport)
Government of Rajasthan
For & on behalf of the
Governor of Rajasthan

sd/-
(G.S. Gill)
Principal Secretary
(Transport & Excise)
Government of Maharashtra
For & on behalf of
Governor of Maharashtra.

Witness :

1) Shri. Jagdish Chandra
Transport Commissioner &
Ex- officio Secretary to
Government of Rajasthan

2) Shri. Ravindra Yadav
Dy. Commissioner (M)
Transport Department,
Government of Rajasthan

Witness :

1) Shri. N.C.Nalk
Asst. Transport Commissioner,
Government of Maharashtra

2) Shri. R. I. Shalkh
Desk Officer, Home Department,
Government of Maharashtra.

ANNEXURE 'A'

STATEMENT SHOWING ROUTES OPERATED BY
RAJASTHAN STATE ROAD TRANSPORT CORPORATION IN MAHARASHTRA

Sr.No.	Name of the route	Distance in Kms.			Total Kms.	No. of single trips Raj.	Operational Kms. Raj. in Mah.	No. of Permits Raj.
		Raj.	Mah.	Guj.				
1	2	3	4	5	6	7	8	9
1.	Kalyan- Pali extended upto Sojat	240	188	601	1029	2	376	2
2.	Rewder-Borivli	61	164	625	850	2	328	2
3.	Udaipur-Mumbai	124	164	500	788	2	328	2
4.	Sayara-Paleghar via Udaipur-Ahmedabad	193	76	459	728	2	152	2
5.	Jodhpur-Mumbai via Ahmedabad	278	153	601	1037	2	306	2
6.	Banswara-Mumbai via Godhura-Baroda-Surat	69	221	420	710	2	442	2
7.	Sahnbar-Mumbai	137	139	448	724	2	278	2
8.	Bhimtal-Mumbai via Ranivada	74	153	601	828	2	306	2
9.	Udaipur-Shirdi via Ahmedabad-Songera	143	247	365	755	2	494	2
	Total	1319	1505	4620	7449	18	3010	18

ANNEXURE 'B'

STATEMENT SHOWING ROUTES OPERATED BY
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION IN RAJASTHAN

Sr.No.	Name of the route	Distance in Kms.			Total	No. of trips Mah.	Operational Kms. Mah. in Raj.	No. of Permits of Mah.
		Raj.	Mah.	Guj.				
1	2	3	4	5	6	7	8	9
1.	Mumbai-Udaipur	124	164	500	788	4	496	4
2.	Mumbai-Mount Abu	44	164	500	708	4	176	4
3.	Nasik-Mount Abu	44	159	570.2	773.2	4	176	4
4.	Dhule-Mount Abu	44	125.7	570.2	739.9	4	176	4
	Total	256	612.7	2140.4	3009.1	16	1024	16

By Order and in the name of Governor of Maharashtra,

Deputy Secretary

(J. M. Chavan)
Deputy Secretary to the Government